



Attorney Docket No. 12504US04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Castellani et al.

Serial No. 10/715,942

Filed: November 18, 2003

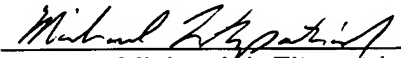
For: QUAD RECEPTACLE, DUAL CIRCUIT  
FLUSH POKE-THROUGH WIRING  
FITTING WITH INTERNALLY  
MOUNTABLE  
COMMUNICATION/DATA JACKS

Examiner: Dhuru Patel

Group Art Unit: 2831

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited, with sufficient postage, with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **February 15, 2006**.

  
Michael J. Fitzpatrick  
Reg. No. 48,510

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. No fee is due with respect to this Notice of Appeal as it was already submitted in conjunction with a previous (August 3, 2005) notice of appeal, and no decision on the merits was reached by the BPAI. See MPEP § 1207.04.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: February 15, 2006

By:   
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**REMARKS**

The present application includes pending claims 1-28, all of which have been rejected. Reconsideration of the claim rejections is requested.

**I. Subsequent To A Previous Notice Of Appeal, Prosecution Was Reopened; The Examiner, However, Maintains The Same Arguments For Rejection**

The current rejection under 35 U.S.C. 103(a) as articulated by the Examiner is based on the same art and substantially the same arguments as the Examiner's July 27, 2005 rejection under 35 U.S.C. 103(a). *Compare* January 4, 2006 Office Action at pages 2-17 *with* July 27, 2005 Office Action at pages 5-20.

**II. The Rejection Of Claims 1-28 Under 35 U.S.C. 103**

Claims 1-28 **now** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead in view of Dola. See January 4, 2006 Office Action at page 3. For previous claim rejections that were traversed by the Applicants, see **(1)** December 21, 2005 Office Action at page 4; **(2)** July 27, 2005 Office Action at page 6; **(3)** April 19, 2005 Office Action at page 6; **(4)** November 2, 2004 Office Action at page 3; **(5)** August 6, 2004 Office Action at pages 2 and 4; and **(6)** March 17, 2004 Office Action at pages 2 and 8.

With respect to the current rejection articulated by the Examiner, the Applicants respectfully maintain that the proposed combination of Dola and Whitehead does not teach, nor suggest, all the limitations of claims 6-13, 15, 16-20, and 26-28. See November 7, 2005 Response Under 37 C.F.R. 1.111 at 4-7. In short, neither Whitehead, nor Dola, teaches or suggests **(1)** a fitting or insert that includes four simplex power receptacles **and** four communication/data jacks (see November 7, 2005 Response Under 37 C.F.R. 1.111 at pages 5-6); **(2)** the fitting having four communication/data jacks being arranged in a longitudinal row, first and second receptacles being disposed on a first lateral side of the communication/data jacks, and third and fourth receptacles disposed on a second lateral side of the communication jack (see November 7, 2005 Response Under 37 C.F.R. 1.111 at pages 6-7); or **(3)** a fire stopping material disposed in the fitting "so that the fire rating of the floor, with the

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floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor." (see November 7, 2005 Response Under 37 C.F.R. 1.111 at page 7).

Also with respect to the current rejection articulated by the Examiner, the Applicants respectfully maintain that there is no motivation to combine Dola with Whitehead. See November 7, 2005 Response Under 37 C.F.R. 1.111 at 7-14, particularly at 10-12. In short, attempting to add Dola to Whitehead ignores the references as a whole. See *id.* There simply is no teaching or suggestion in Whitehead to use any of the bulky components or sizeable openings disclosed in Dola, which is not concerned with the space-constraining considerations of Whitehead. See *id.* In short, the Examiner is attempting to pick and choose one isolated element of Dola and shoehorn it into Whitehead.

Additionally, the January 4, 2006 Office Action merely picks and chooses isolated elements from disparate references to re-create the Applicants' claimed invention through hindsight. See November 7, 2005 Response Under 37 C.F.R. 1.111 at 13-14.

**III. Conclusion**

The Applicants respectfully request reconsideration of the objections and rejections noted above. Please charge any fees due in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,

Date: February 15, 2006



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